REMARKS

The applicant respectfully requests reconsideration of the present U.S. Patent application as amended herein. No claims have been added or canceled. Thus, claims 1-2, 6-9, and 11-24 are pending.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1, 11 and 14

Claims 1, 11 and 14 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent 6,577,644 issued to Chuah et al. (*Chuah*) and further in view of U.S. Patent Publication 2002/0116501 attributed to Ho et al. (*Ho*). Applicant respectfully submits claims 1, 11 and 14 are not obvious in view of *Chuah* and *Ho* for at least the reasons set forth below.

Claim 1 recites, in part, the following:

> one or more control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a single end-user terminal in a data network;

Claim 11 incorporates similar limitations.

Chuah discusses carrying frames over multiple links as part of a multilink Point-to-Point Protocol (PPP) connection. See column 4, lines 5-30. Multilink PPP allows for an increase in overall throughput by combining the bandwidth of two or more physical communication links and is discussed thoroughly in Request For Comments (RFC) 1990. Links exist at Layer 2 of the OSI model, defined by ISO standard 7498-1. The Session Layer (Layer 5 of the OSI model) establishes sessions between communicating

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applications on communicating hosts. A link is not a session. Thus, multiple links cannot be equated to multiple simultaneous wireless communication sessions.

Chuah only ever discloses establishing a single communication session. See column 3, line 3. *Chuah* does not teach or disclose one or more control commands employed by a respective network element **to establish and manage simultaneous wireless communication sessions of a single end-user terminal** in a data network, as recited in claim 1. Thus, *Chuah* fails to disclose at least one limitation of claims 1 and 11.

Ho was cited as using AVPs to encode control message types to exchange mobility information. Whether or not *Ho* teaches the limitations cited in the Office action, *Ho* does not teach or disclose one or more control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a single end-user terminal. Thus, *Ho* fails to cure the deficiencies of *Chuah*. Therefore, Applicant respectfully submits claims 1 and 11 are not obvious in view of *Chuah* and *Ho*. Claim 14 depends from claim 1 and distinguishes for at least the same reasons as set forth above.

Claim 2

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chuah* and *Ho* in view of U.S. Patent No. 6,917,600 issued to Chuah et al. (*Chuah 2*). Applicant respectfully submits that claim 2 is not obvious in view of *Chuah* and *Ho* and further in view of *Chuah 2* for at least the reasons set forth below.

Claim 2 depends from independent claim 1 and necessarily include the limitations of claim 1. As discussed above, *Chuah* and *Ho* fail to teach or disclose one or more

control commands employed by a respective network element to establish and manage **simultaneous wireless communication sessions of a single end-user terminal in a data network**. *Chuah 2* is cited as disclosing the steps of combining hand-off control messages with the tunnel configuration control messages that are concurrently transmitted between LACs. Whether or not *Chuah 2* actually teaches the limitations cited in the Office action, *Chuah 2* does not teach or disclose one or more control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a single end-user terminal in a data network. Thus, *Chuah 2* fails to cure the deficiencies of *Chuah* and *Ho*. Therefore, Applicant submits claim 2 is not obvious in view of *Chuah, Ho,* and *Chuah 2*.

Claims 6, 7, 12 and 13

Claims 6, 7, 12 and 13 were rejected under 35 U.S.C § 103(a) as being unpatentable over *Chuah* and *Ho* and further in view of U.S. Patent 6,769,000 issued to Akhtar et al. (*Akhtar*). Applicant respectfully submits claims 6, 7, 12 and 13 are not obvious in view of *Chuah, Ho,* and *Akhtar* for at least the reasons set forth below.

Claims 6, 7, 12 and 13 depend from claims 1 and 11, respectively. As discussed above, *Chuah* and *Ho* fail to teach or disclose one or more control commands employed by a respective network element to establish and manage **simultaneous wireless communication sessions of a single end-user terminal in a data network**.

Akhtar is cited as disclosing an IPM-L2-Address AVP carries the L2-Address of an IPM Client connection and that an Integrity-Check Value AVP is used for hop-by-hop message authentication and integrity. Whether or not *Akhtar* actually teaches the limitations cited in the Office action, *Akhtar* does not teach or disclose one or more

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control commands selectively employed to establish and manage simultaneous wireless communication sessions of a single end-user terminal in a data network. Thus, *Akhtar* fails to cure the deficiencies of *Chuah* and *Ho*. Therefore, Applicant submits that claims 6, 7, 12 and 13 are not obvious in view of *Chuah, Ho* and *Akhtar*.

Claims 15-24

Claims 15-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chuah 2* in view of *Akhtar*. Applicant respectfully submits claims 15-24 are patentable over *Chuah 2* and *Akhtar* for at least the reasons set forth below.

The Manual of Patent Examining Procedure ("MPEP"), in § 706.02(j), states:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference** (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Thus, the MPEP and applicable case law require that the Office action establish that the combined references teach or suggest **all of the claim limitations** of rejected claims to sustain an obviousness rejection under 35 U.S.C. § 103.

Claim 15 recites, in part, the following:

> ...wherein the mobility management attribute-value pair(s) include an attribute-value pair for each of **a deterministic element and a random element** of a communication session identifier.

Claim 20 recites similar limitations.

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Applicant agrees with the Office action that *Chuah 2* does not teach or disclose an attribute-value pair for each of a deterministic element and a random element. The Office action cites *Akhtar* as disclosing the deficient limitations.

The Office action states that *Akhtar* teaches that an IPM-L2-Address AVP carries the L2-Address and data (column 84, lines 15-20), but says nothing regarding an AVP for each of a deterministic element and a random element. There is no indication in *Akhtar* that the IPM-L2-Address AVP includes a deterministic or a random element nor is there any suggestion in *Akhtar* that it would be beneficial to do so. Thus, whether or not *Akhtar* teaches the limitations cited in the Office action, Applicant submits *Akhtar* does not teach or disclose an attribute-value pair for each of a deterministic element and a random element of a communication session identifier, as claimed by Applicant. Therefore, Applicant respectfully submits that claims 15 and 20 are not obvious in view of *Chuah 2* and *Akhtar*.

Claims 16-19 depend from claim 15. Claims 21-24 depend from claim 20. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits that claims 16-19 and 21-24 are not obvious in view of *Chuah 2* and *Akhtar*.

Claims 8 and 9

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chuah* and *Ho* in view of U.S. Patent No. 6,915,345 issued to Tummala et al. (*Tummala*). Applicant respectfully submits that claims 8-9 are not obvious in view of *Chuah*, *Ho* and *Tummala* for at least the reasons set forth below.

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Claims 8 and 9 depend from independent claim 1 and necessarily include the limitations of claim 1. As discussed above, *Chuah* and *Ho* fail to teach or disclose one or more control commands employed by a respective network element to establish and manage **simultaneous wireless communication sessions of a single end-user terminal in a data network.** *Tummala* is cited as disclosing that encryption can be made using a shared secret or public keys. Whether or not *Tummala* actually teaches the limitations cited in the Office action, *Tummala* does not teach or disclose one or more control commands selectively employed to establish and manage one or more simultaneous wireless communication sessions of a single end-user terminal in a data network. Thus, *Tummala* fails to cure the deficiencies of *Chuah*. Therefore, Applicant submits that claims 3-7 are not obvious in view of *Chuah* and *Tummala*.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1-24 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account

number 02-2666.

Respectfully submitted,
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